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NATURAL GAS—OWNERS OF ADJACENT WELLS—ALLEGED WASTE OF SUPPLY.—The plaintiff and the defendant owned adjacent gas wells. The defendant had burned a great quantity of gas for the pretended purpose of manufacturing lamp black, but in fact for the purpose of diminishing the plaintiff's supply. In a suit to recover damages caused by the alleged waste, *held*, the right of the surface owners of land to take gas from the subjacent fields is without stint, the only limitation being that it be taken for a lawful purpose and in a reasonable manner. *Louisville Gas Co. v. Kentucky Heating Co.* (1908), — Ky. —, 33 Ky Law Rep. 912, 111 S. W. 374.

There are two rules as to the ownership of oil and gas. First: The owner of the surface is the owner of the oil and gas beneath it; but if they escape into the land of another he ceases to be the owner of them. *Williamson v. Jones*, 39 W. Va. 231; THORNTON, LAW RELATING TO OIL AND GAS, § 22. Second: The owner of land has only a qualified right to the gas and oil beneath it—the right to reduce it to possession—and title in him does not vest until he has actually reduced it to possession. Until that has happened the oil or gas may by natural forces escape from his land and be reduced to the possession of another. *Ohio Oil Company v. Indiana*, 177 U. S. 190. Admitting that a property right—absolute or qualified—exists, there seem to be three rules as to how this right may be exercised. The first, supported by the smaller number of courts, is that a lawful act cannot be made unlawful by the motive which prompts it. *Chatfield v. Wilson*, 28 Vt. 49; *Frazier v. Brown*, 12 Ohio St. 294. Under this rule the defendant in the principal case would not have been held liable. The second is that a property right cannot be exercised for the purpose of injuring another. *Wheatley v. Baugh*, 25 Pa. St. 532. The right of the owner of land to take oils and gas is analogous to his right to take subterranean percolating waters, and therefore the third rule is that the surface owner in taking gas from the fields under his land is confined to a reasonable use. *Bassett v. Manufacturing Co.*, 43 N. H. 569. See cases cited in 2 MICH. L. REV. 403, and 3 MICH. L. REV. 491.

PARENT AND CHILD—BASTARDS—LEGITIMATION—ACKNOWLEDGMENT—CONSENT OF MOTHER.—A state statute permits the father of an illegitimate child to legitimate the same by publicly acknowledging it as his own, and receiving it as such, with the consent of his wife, into his family. The father of an illegitimate child married a woman other than the mother of said child, took possession of the child, brought it into his home, with the consent of his wife, and acknowledged it to be his child. The mother brings suit to recover possession of the child, she maintaining that the child at no time was in the possession of the respondent by her consent. *Held*, (WILLIAMS, C.J., dissenting), a father desiring to so legitimate or adopt such child may do so without the consent and against the will of the mother, and is entitled to its custody and earnings. *Allison et al. v. Bryan* (1908), — Okla. —, 97 Pac. 282.

After legitimation the child is to be treated, as if legitimate for all purposes. *Davenport v. Davenport*, 116 La. 1009, 41 South. 240, 114 Am. St.